IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of | : | **Confirmation No. 2339** |
| Satoshi INAMI et al. | : | Attorney Docket No. 2002_0022A |
| Serial No. 10/046,172 | : | Group Art Unit 2164 |
| Filed January 16, 2002 | : | Examiner Samuel G. Rimell |

A COMMUNICATIONS SYSTEM FOR
RETRIEVING INSTRUCTION FILES FROM A SERVER

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## REQUEST FOR RECONSIDERATION

Commissioner for Patents
  P.O. Box 1450
  Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

In view of the follow remarks, reconsideration of the objections and rejections set forth in

the outstanding Office Action of May 31, 2006 is respectfully requested.

At the top of page 2 of the Office Action, the Examiner asserted that the amendments to

paragraph [0017] of the original specification introduce new matter into the disclosure and,

therefore, will not be entered. However, the amendments to paragraph [0017] as set forth in the

previous Amendment were formal amendments made to provide antecedent basis for the claim

language and consistency throughout the specification. As will be explained in detail below with

reference to the claim language (which corresponds to the amended language of paragraph [0017]

of the specification), these amendments to the specification are fully supported by the original

disclosure. Consequently, the Examiner is respectfully requested to withdraw the objection to

the amendments to the specification, and is requested to enter these amendments.

On pages 2-4 of the Office Action, the Examiner rejected claims 15-34 under 35 U.S.C. §

112, first paragraph, as failing to comply with the written description requirement. In particular,

the Examiner appears to object to the description of several features recited in the claims, and

these features are set forth in the following exemplary claim language from claim 15:

"A transmission data generating unit for determining, from among the generated data stored in said generated data storage unit, the transmission data to be transmitted to the server based on said transmission information specifying data."

In an effort to clearly explain to the Examiner how the original disclosure provides support for the above features, a discussion of each of the elements recited in the claims will now be provided with reference to various portions of the specification. In particular, for each element, reference will be provided to the section of the specification which supports that element. Although only the language of independent claim 15 will be specifically discussed, it is submitted that this explanation also relates to the independent claims 21, 27, and 31, as well as all of the dependent claims. Furthermore, although the explanation is made with reference to various sections of the specification which describe a particular embodiment, it is submitted that this explanation is provided only for the Examiner's benefit, and is not intended to otherwise limit the scope of the claims to any specific embodiment.

Independent claim 15 is directed to a communication terminal that comprises:

(1) a storage unit 13 for storing an application 131 (see page 16, line 25 through page 17, line 12 of the original specification);

(2) an application executing unit 42 for executing the application 131 so as to generate data (see page 23, lines 18-24);

(3) a generated data storage unit 43 for storing the data generated due to execution of the application 131 by the application executing unit 42 (see page 23, line 23 through page 24, line 5);

(4) a retrieval requesting unit 41 for making a retrieval request to the server 3 to retrieve an instruction file (see page 21, line 19 through page 22, line 2; page 22, lines 20-22);

(5) the instruction file including transmission information specifying data 91 for specifying transmission data to be transmitted to the server 3 (see page 24, lines 19-25);

(6) a transmission data generating unit 44 for determining, from among the generated data stored in the generated data storage unit 43, the transmission data to be transmitted to the server 3 (see page 26, line 24 through page 27, line 6 of the specification);

(7) the transmission data generating unit 44 determines the transmission data to be transmitted to the server 3 based on the transmission information specifying data 91 (see page 26, lines 2-5 of the original specification); and

(8) a transmitting unit 41 for transmitting the transmission data to the server 3 (see page 28, lines 3-5 of the original specification).

The Examiner's formal rejections of the original claims appear to be due to the features in items (6) and (7) discussed above. With respect to item (6), paragraph [0070] clearly explains that the transmission data generating unit 44 determines the transmission data from among *the generated data* (i.e., the data generated during execution of the application 131 by the application executing unit 42, and which is subsequently stored in the generated data storage unit 43). It is clearly understood that the generated data referred to in paragraph [0070] is the *same* generated data referred to in paragraph [0063] (i.e., the data generated during execution of the application 131) because the example provided refers to "high score information" which is generated during execution of the Whack-A-Mole game and subsequently stored (see paragraphs [0063] and [0070]).

With respect to item (7), the Examiner appears to be misunderstanding the explanation of the operation of the transmission data generating unit 44 and, specifically, how the transmission data generating unit 44 determines the transmission data to be transmitted. In particular, as noted above, paragraph [0069] of the specification explains that the transmission data generating unit 44 extracts *information required for transmitting the transmission data* from the transmission information specifying data 91. In this regard, the "information required for transmitting the transmission data" is **not** the "generated data" referred to in the claims. Instead, the "information required for transmitting the transmission data" includes transmission information specifying data 91 used by the transmission data generating unit 44 to determine the transmission

data to be transmitted. As clearly explained on page 24, lines 24-25, the transmission information specifying data 91 used by the transmission data generating unit 44 for the determination of the transmission data specifies the data to be transmitted as the transmission data. In other words, it is clear that the transmission data generating unit 44 determines the transmission data to be transmitted to the server *based on the transmission information specifying data 91*.

In view of the above explanation, it is respectfully submitted that independent claim 15 and the claims that depend therefrom are fully supported by the original disclosure. Furthermore, because the remaining claims 21-34 all recite features generally corresponding to the features recited in claim 15 and discussed in detail above, it is respectfully submitted that those claims are also fully supported by the original disclosure. Consequently, the Examiner is respectfully requested to withdraw the rejection under § 112, first paragraph. However, if the Examiner has any further questions, or believes that it is necessary to make any minor formal amendments to either the claims or the specification so as to ensure that there is proper antecedent basis in the specification for the claim language, the Examiner is reminded that the Applicants' representative requested an interview in connection with this Request for Reconsideration. Thus, the Applicants' representative would gladly accept the opportunity to discuss this application in more detail with the Examiner.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

Satoshi INAMI et al.

By: _____

W. Douglas Hahm
Registration No. 44,142
Attorney for Applicants

WDH/ck
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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